

133197/GETS 5319.1  
PATENT

**AMENDMENTS TO THE DRAWINGS**

Applicants submit herewith one (1) sheet of corrected drawings to replace drawing sheet 5/7 now on file in the above-entitled application. In FIG. 5, the reference character 515 corresponding to "point 515" has been added, and the additional reference character 516 has been deleted.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

133197/GETS 5319.1  
PATENT**REMARKS**

Applicants have thoroughly considered the Examiner's remarks in the January 31, 2006 Office action and present claims 1-27 for further examination. Claims 18 and 19 have been amended by this Amendment A. Applicants provisionally elect claims 1-10, 12-17, and 23-25 readable on Species 2 (processing a signal using a single processor) for examination. However, applicants respectfully request reconsideration of the election requirement and, in particular, of the reasons stated in the Office action for the election between Species 1 and 2.

**Amendments to the Specification**

Applicants have amended the specification to correct minor informalities. In paragraph [0035] applicants have amended "Fig. 4 as line 444 and line 416" to read "Fig. 4 as line 444 and line 408." In paragraph [0053] applicants have amended "10 percent level is shown by point 416" to read "10 percent level is shown by point 417." In paragraph [0055] applicants have amended "as indicated by point 516 occurs below the noise threshold level" to read "as indicated by point 515 occurs below the noise threshold level." In paragraph[ 0059] applicants have amended "intersection of upper passband 506 of frequency 402 and transition band 514" to read "intersection of upper passband 510 of frequency 402 and transition band 516." In paragraph [0075] applicants have amended "island sine wave signal 560 is provided to island transmitter 664" to read "island sine wave signal 660 is provided to island transmitter 664." In paragraph [0077] applicants have amended "an feedback current signal 678" to read "a feedback current signal 678", and have amended "second digital signals" to read "first digital signals" in the same paragraph.

**Amendments to the Drawings**

In Amended FIG. 5, the previously omitted reference character 515 corresponding to has been added, and the additional reference character 516 has been deleted.

133197/GETS 5319.1  
PATENT**Election Requirement**

The Office asserts claim 11 is readable on Species 1 drawn to using two different digital signal processors for processing the first and second type of signals as shown in FIG. 6, and that claims 12-17 are readable on Species 2 drawn to processing a signal using a single processor. As an initial matter, claims 11, 26 and 27 are all readable on Species 1, as they each recite processing first and second signals, and claims 1-10, 12-17, and 23-25 all recite processing first digital signals by a first processor, and, thus read on processing a signal using a single processor (i.e., Species 2). Nevertheless, applicants submit that claim 1 is a linking claim because it reads on an embodiment of the invention that includes each of Species 1 and 2.

The Office identifies FIG. 6 as illustrating an embodiment of the invention readable on Species 2. However, as can be seen in FIG. 6, and as described in the present application, **first digital signals** are digitally bandpass filtered within the **DSP 604** and the filtered data is processed to determine signal level and phase (See paragraph 74, page 26), and the **second digital signals** are digitally bandpass filtered within **DSP 654** and the filtered data is processed for determination of the signal level (See paragraph 76, page 27) (emphasis added). In other words, FIG. 6 illustrates an embodiment of the invention where a single processor processes the first digital signals, and a different single processor processes the second digital signals. Thus, claim 1 is a linking claim, or generic, in that it reads on an embodiment of the invention that includes each of Species 1 and 2. Should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn. (See MPEP § 809). As such, applicants submit that upon allowance of claim 1 all claims within Species 1 and 2 are allowable.

The Office also requests clarification concerning claims 18-22 combining three digital processors for processing signals. (See Office action at page 2). However, claims 18-22 do not recite combining three digital processors, but rather refers to the embodiment of the invention where each processor (e.g., DSP) separately detects both the island track signal and the approach track signal, and the dual DSPs provide their separate data to an external system that compares the dual and redundant data and makes the necessary train warning determinations. (See paragraph 77, page 27-28). To this end, claim 18 has been amended to read, in part, ***an external processing system*** responsive to the first

133197/GETS 5319.1  
PATENT

digital signals for processing the first digital signals to determine the frequency and magnitude of the transmitted first signal and the received first signal to determine an impedance of the track as an indication of the presence and/or position of a train within an approach detection area when the received first signal is within the first passband frequency range, and wherein said the external processing system is responsive to the second digital signals for processing the second digital signals to determine if the magnitude of second signal is below a threshold value as an indication of the presence of a train within an island detection area when the received second signal is within the second passband frequency range.

Applicants also ask the Examiner to consider the relative burdens on the Examiner and Applicants. In order for a reliable search to be conducted for each species of claims, the same classes will have to be searched because of overlapping claim 1. Accordingly, maintaining all claims in the application should not add more than a minimal burden. In this regard, the Examiner is asked to consider M.P.E.P. § 803:

*"If the search and examination can be made without serious burden, the examiner must examine it on the merits, even if it includes claims to distinct or independent inventions."*

(emphasis added)

Applicants respectfully submit that the burden of examining the additional claims having an overlapping search field cannot fairly be said to be "serious." In contrast, if required to prosecute and maintain additional applications/patents, Applicants would incur filing and issue fees of about \$1000 or more and maintenance fees of about \$3000 or more for each additional application/patent, such fees being in addition to the similar fees to be incurred in this application.

Although applicants have provisionally elected claims 1-10, 12-17, and 23-25 for examination, for the reasons discussed above, applicants believe the election requirement between Species 1 and 2 should be removed. In particular, because claim 1 is generic with respect to Species 1 and 2, Applicants submit that upon allowance of claim 1 all claims within Species 1 and 2 are allowable (i.e., claims 1-17, and 23-27).

In view of the above, the election requirement is traversed. Applicants respectfully request examination and allowance of the elected claims. The Commissioner is hereby

133197/GETS 5319.1  
PATENT

authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 07-0846.

Respectfully submitted,



Robert O. Enyard, Jr., Reg. No. 57,780  
SENNIGER POWERS  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

ROE/jmd  
Via Facsimile: 571-237-8300  
Mail Stop Amendment